



FL946653255US

Attorney Docket No.. 7784-000361
Boeing No. 01-469 (09663)

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of BRINKLEY, et al :
Application No. 10/075,083 : Group Art Unit: Not yet known
Filed: February 12, 2002 :
For: METHODS AND APPARATUS FOR :
WIRELESS UPLOAD AND DOWNLOAD :
OF AIRCRAFT DATA :

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
OCT 03 2002
OFFICE OF PETITIONS

Sir:

PETITION UNDER 37 C.F.R. §1.47(a)

This is submitted as a petition under 37 C.F.R. 1.47(a) requesting that the above-identified Application for patent (the "'083 Application) be made by joint inventors signing the enclosed declarations on behalf of themselves and on behalf of a nonsigning inventor, David R. Lee, who refuses to join in the '083 Application. The Declaration filed with the '083 Application is signed by all the available joint inventors with the signature block of the nonsigning inventor left blank. The Declaration should thus be treated as having been signed by all available joint inventors on behalf of the nonsigning inventor as set forth in M.P.E.P. § 409.3(a)(A). The pertinent facts are as set forth in the accompanying Declaration in Support of Petition by Mr. Roger R. Brinkley.

Also accompanying this Petition is a Notice to File Missing Parts of Nonprovisional Application ("the Notice"), a petition for a three month extension of time for meeting the requirements of the Notice, and an authorization to charge a deposit account for the total fee required for fulfillment of the Notice, the requested extension of time, and for entry and consideration of this Petition. In the event the deposit account authorization is insufficient to cover the necessary fees for entry and consideration of this

10/075,083 00000058 10075083

130.00 OP

Serial. No. 10/075,083

Petition and accompanying papers and/or the requested extension of time is insufficient, or in the event the separate fee authorization and/or extension of time is missing, illegible, or incomplete, the Commissioner is hereby authorized to consider this as authorization to charge the correct fees to Harness, Dickey & Pierce Deposit Account No. 08-0750 and to consider this as a request for the necessary extension of time required for entry and consideration of this Petition and accompanying papers in response to the Notice.

The last known address of the nonsigning inventor, David R. Lee, is 15409 SE 128th Street, Renton, WA 98059. Our recent correspondence with Mr. Lee has been through his attorney, Mr. Frank Abramonte, whose business address is at Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, WA 98104-7092. The addresses of the three signing inventors are as stated in the declaration submitted with the Application.

STATEMENT OF FACTS

The facts, in pertinent part as set forth in the Declaration, are as follows. A copy of the application that was filed and assigned U.S. Application Serial No. 10/075,083 (the "'083 Application") naming David R. Lee as one of the joint inventors was provided to Mr. David R. Lee on February 11, 2002 by Mr. Roger R. Brinkley in the lobby of the building 7-341 building at Boeing Company, 14432 Southeast Eastgate Way, Bellview, WA 98008. A "Declaration/Power of Attorney" for the '083 application, among other documents, were included with the copy of the '083 application. Mr. Lee refused to sign the Declaration/Power of Attorney, stating that he wanted his attorney to review the papers. On March 29, 2002, Mr. Lee's attorney wrote to the undersigned regarding this matter.

On April 29, 2002, Mr. Lee, acting through his attorney, wrote a letter raising questions regarding the naming of inventors in the '083 Application. In the April 29, 2002 letter, Mr. Lee indicated that he would not sign the Declaration/Power of Attorney for the '083 Application. Further discussions ensued, and a copy of the '083 Application

was sent to Mr. Lee's attorney for further review with a letter on June 25, 2002. An additional copy of this letter, including the '083 Application copy, was sent via certified mail at a later date to ensure receipt thereof. A copy of the return receipt is included as an attachment with this Petition. Further discussions resulted in another letter being sent to Mr. Lee's attorney on July 29, 2002. Mr. Lee, again acting through his attorney, wrote back on August 12, 2002, reiterating his refusal to sign the Declaration/Power of Attorney for the '083 Application. The reason for his refusing to sign, as indicated in both the April 29, 2002 letter and the August 12, 2002 letter, is that Mr. Lee does not believe that Mr. Roger Brinkley, Mr. Timothy Mitchell, and Mr. Jerry Price should be named as inventors on the Declaration/Power of Attorney, and that only Mr. Lee and a Mr. William Holst should be named as inventors for the '083 Application.

Mr. Lee has thus refused to sign the Declaration/Power of Attorney for the '083 Application on three occasions: once in person on February 11, 2002, and twice via his attorney, on April 29, 2002 and on August 12, 2002. Copies of pertinent correspondence between attorneys for Boeing Company and Mr. Lee and his attorney are attached with portions not pertaining to Mr. Lee's refusal to sign the Declaration/Power of Attorney for the '083 Application redacted. See MPEP 409.03(d). Attachments to the letters are not included with this petition.

It is hereby requested that the signing of the enclosed Declaration by all available joint inventors be accepted as execution on behalf of the nonsigning inventor David R. Lee.

Respectfully submitted,

Sept. 4, 2002

By: 

Alan L. Cassel
Reg. No. 35,842
Harness, Dickey & Pierce
7700 Bonhomme, Suite 400
St. Louis, MO 63105
(314) 726-7500
(314) 726-7501 FAX

RECEIVED

OCT 03 2002

OFFICE OF PETITIONS